

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

&

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 30TH OCTOBER 2007 / 8TH KARTHIKA 1929

WP(C).No. 27139 of 2007(E)

PETITIONER:

**ASLAM, S/O.V.K.PAREETH,
AGED ABOUT 51 YEARS, BUSINESS,
VELLAPALLIPARAMBIL, ERATTUPETTA, MEENACHIL TALUK,
KOTTAYAM.**

BY ADV. SRI.M.RAMESH CHANDER.

RESPONDENTS:

- 1. SUPDT. OF POLICE,
IDUKKI.**
- 2. CIRCLE INSPECTOR OF POLICE,
PEERUMEDU, IDUKKI DIST.**
- 3. SUB INSPECTOR OF POLICE,
UPPUTHARA, UPPUTHARA POLICE STATION,
IDUKKI DIST.**
- 4. STEPHEN ISSAC,
LAUNDRY ESTATE, UPPUTHARA POST,
UPPUTHARA VILLAGE, IDUKKI DISTRICT.**

***ADDL.R5. TAHASILDAR, PEERMADE TALUK,
IDUKKI (DT).**

***IMPLEADED AS PER ORDER DATED 14/09/07 IN I.A. 12234/2007.**

BY GOVERNMENT PLEADER SRI. SALIM.P.A.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 30/10/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE CERTIFICATE OF SALE OF IMMOVABLE PROPERTY IN FAVOUR OF THE PETITIONER GIVEN BY THE SUB COLLECTOR, DEVIKULAM DT. 08/01/2007.

EXT.P.2: COPY OF THE TAX RECEIPT WITH RESPECT TO THIS PROPERTY IN FAVOUR OF THE PETITIONER.

EXT.P.3: COPY OF THE REPRESENTATION DT. 12/06/2007.

EXT.P.4: COPY OF THE RECEIPT ISSUED ON BEHALF OF THE R.3. DT. 12/06/2007.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

K.BALAKRISHNAN NAIR &
T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C) NO. 27139 OF 2007-E

Dated 30th October, 2007.

JUDGMENT

Balakrishnan Nair, J.

The petitioner has approached this Court seeking police protection, on the ground that the 4th respondent obstructed him when he tried to cut and remove certain trees from the property in his possession and ownership. The learned Government Pleader opposes the prayer for police protection. He points out that the petitioner has not obtained necessary permits from the forest officials concerned for cutting and removing the trees. Under the guise of the police protection order from this Court, he wants to indulge in illegal felling of trees and their transport.

2. If the 4th respondent is causing obstruction and infringing the rights of the petitioner, his remedy is to move the competent civil court. We think, the right of the petitioner over the trees as well as his right to cut and remove the same have to be established before a legal forum, before the police can be asked to help him. Such an exercise cannot be done under

Article 226 of the Constitution of India. Therefore, the petitioner may move the competent civil/other statutory forums and obtain appropriate orders in his favour. The civil court is competent to direct the police also to extend protection to enforce its orders. In view of the above position, it is unnecessary to entertain this writ petition. Accordingly, it is dismissed without prejudice to the contentions of the petitioner and his right to move the civil court/other statutory forums for appropriate reliefs.

K.BALAKRISHNAN NAIR, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

Nm/